

REMARKS

Claims 2-5, 7-10, and 12-15, and amended claims 1, 6, and 11 are in this application.

Claims 1 and 6 were rejected under 35 U.S.C. 102(b) as being anticipated by Lemmons et al. (U.S. 6,481,011 B1).<sup>1</sup>

Amended independent claim 1 recites in part the following:

"said representation of each said past program currently in the display being in a first color, said representation of each said present program currently in the display being in a second color different from said first color, and said representation of each said future program currently in the display being in a third color different from said first and second colors." (Emphasis added.)

Thus, in a display of claim 1, each past program is in a first color, each present program is in a second color, and each future program is in a third color (wherein the colors are different from each other). An example thereof is shown in Figure 4 of the present application and described in paragraph 0034 of the present application. As a result, the past programs, the present programs, and the future programs are readily distinguishable from one another. (See paragraph 0036 of the present application.)

In explaining the above 102 rejection with regard to claim 1, the Examiner asserted that Figure 7 and lines 17-30 of column 5 of Lemmons show/describe the above feature of claim 1.

It is respectfully submitted that Figure 7 of Lemmons does not show each past program in a first color, each present

<sup>1</sup> Although the Examiner only indicated that claims 1 and 6 were rejected under 35 U.S.C. 102(b), it is believed that the Examiner intended to also reject independent claim 11 under 35 U.S.C. 102(b).

program in a second color, and each future program in a third color in which each of these colors is different from each other. Instead, Figure 7 of Lemmons appears to use different colors for programs broadcasted at the same time.

Accordingly, the applicant respectfully submits that the Lemmons et al. as applied by the Examiner does not disclose the above feature of claim 1. As such, amended claim 1 is believed to be distinguishable from Lemmons et al. as applied by the Examiner.

Independent claims 6 and 11 are also believed to be distinguishable from Lemmons et al. as applied by the Examiner for reasons similar to or somewhat similar to those described above with regard to claim 1.

Claims 2-4 and 7-9 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lemmons et al. in view of Borden IV et al. (U.S. 6,857,128 B1).<sup>2</sup>

Claims 2-4, 7-9, and 12-14 depend respectively from one of independent claims 1, 6, and 11 and, as such, include all of the features set forth therein. Accordingly, claims 2-4, 7-9, and 12-14 are distinguishable from Lemmons et al. as applied by the Examiner for at least the reasons previously described with regard to claims 1, 6, or 11. The Examiner appears to only rely on Borden IV for the features of claims 2-4, 7-9, and 12-14 and not to overcome the above-described deficiencies of Lemmons et al. Accordingly, claims 2-4, 7-9, and 12-14 are believed to be respectively distinguishable from the applied combination of Lemmons et al. and Borden IV.

---

<sup>2</sup> Although the Examiner only indicated that claims 2-4 and 7-9 were rejected under 35 U.S.C. 103(a) based on a combination of Lemmons and Borden IV, it is believed that the Examiner also intended to so reject claims 12-14.

Claims 5, 10, and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lemmons et al. in view of Reynolds et al. (U.S. 6,799,327 B1).<sup>3</sup>

Claims 5, 10, and 15 depend respectively from one of independent claims 1, 6, and 11 and, as such, include all of the features set forth therein. Accordingly, claims 5, 10, and 15 are distinguishable from Lemmons et al. as applied by the Examiner for at least the reasons previously described with regard to claims 1, 6, or 11. The Examiner appears to only rely on Reynolds et al. for the features of claims 5, 10, and 15 and not to overcome the above-described deficiencies of Lemmons et al. Accordingly, claims 5, 10, and 15 are believed to be respectively distinguishable from the applied combination of Lemmons et al. and Reynolds et al.

As it is believed that all of the rejections set forth in the Official Action have been overcome, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone Applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner may have.

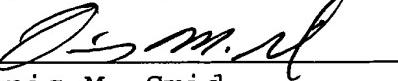
---

<sup>3</sup> Although the Examiner only indicated that claims 5 and 10 were rejected under 35 U.S.C. 103(a) based on a combination of Lemmons and Reynolds, it is believed that the Examiner also intended to so reject claim 15.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: November 16, 2005

Respectfully submitted,

By   
Dennis M. Smid

Registration No.: 34,930  
LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK, LLP  
600 South Avenue West  
Westfield, New Jersey 07090  
(908) 654-5000  
Attorney for Applicant

607742\_1.DOC